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Cc: Chen, Jihong (Jane) (CDC/NIOSH/EID) (CTR)
Subject: 194 - Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program Comments

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Comments

I provide Authorized Representative representation to workers at both AWE and DOE facilities. At issue in AWE facilities are workers who worked within the AWE facility most likely as a subcontractor of that AWE facility. I think the best way to describe the issue is with a specific example of the apparent flaw in the law and/or policies and procedures in which the law administered.

A worker was an employee of Allied Chemical Co. in Metropolis Illinois. from '77 to '02. He missed the Special Exposure Cohort at Allied by one year. (Allied Chemical has SEC from '59 to '76). He was therefore only considered under the remedial radiation time after 1976. However, he worked inside the Allied Chemical as an employee of Lucius Pitkin, Inc., from '73 to '76. He did the exact same job in the exact same location in the plant for the entire time as an employee for both Lucius Pitkin and Allied.

First, the DEEOIC/NIOSH regulations that forbid subcontractors of the AWE facilities disqualified this client from being eligible for the SEC at Allied. Nevertheless, the men and woman he worked alongside at Allied from '73 to '76 qualified and received compensation under the SEC.

Second, this client was only provided the residual radiation covered time frame from '77 to '02 in his dose reconstruction. Therefore, because he worked for Lucius Pitkin from '73 to '76 that critical time period of radiation exposure was not considered in his dose reconstruction. His dose reconstruction did not meet the 50% threshold.

I think this example describes the inconsistency of the EEOIP. One man, with a covered cancer, not compensated because he worked for a subcontractor of an AWE facility and then took a job with the AWE facility one year to late to qualify under the SEC.